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Attorneys for Defendants
CITY OF OAKLAND, WAYNE G. TUCKER,
and MITCH POWELL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH CLARK, an individual,

Plaintiff,

v.

THE CITY OF OAKLAND, a California public
entity, CHIEF WAYNE G. TUCKER, in his
individual and official capacities, OFFICER
MITCH POWELL, in his individual and
official capacities and DOES ONE through
FIFTY, inclusive,

Defendants.

Case No. C06-06872 CRB

**STIPULATION AND [PROPOSED]
ORDER TO WITHDRAW MOTION TO
DISMISS AND TO FILE FIRST AMENDED
COMPLAINT**

1 IT IS HEREBY STIPULATED by and between the parties through their attorneys of
2 record pending Order of this Court, that (1) defendants hereby withdraw their FRCP
3 12(b)(6) Motion to Dismiss currently scheduled for hearing on March 23, 2007, and
4 (2) plaintiff will file a First Amended Complaint by March 21, 2007.

5 GOOD CAUSE EXISTS for this Order as plaintiff's attorney intends to file a First
6 Amended Complaint in response to defendants' motion. It is believed that if defendants'
7 motion were to be heard, the Court would allow plaintiff the opportunity to file an amended
8 pleading. Therefore, such order will serve the interests of justice, free up the Court's
9 otherwise busy calendar and avoid unnecessary judicial involvement.

10 IT IS SO STIPULATED.

11 Dated: March 9, 2007

MOSLEY & GEARINGER
STEPHEN F. HENRY, ESQ.

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14 By: /s/ Stephen F. Henry
15 STEPHEN F. HENRY
Attorneys for Plaintiff ELIZABETH CLARK

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17 Dated: March 9, 2007

JOHN A. RUSSO, City Attorney
RACHEL WAGNER, Supervising Deputy City Attorney
INES FRAENKEL, Deputy City Attorney

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21 By: /s/ Inés Vargas Fraenkel
22 INÉS VARGAS FRAENKEL
Attorneys for Defendants
23 CITY OF OAKLAND, WAYNE G. TUCKER and
24 OFFICER MITCH POWELL
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1 IT IS SO ORDERED.

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3 Dated: March 15, 2007

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7 CHARLES R. BREYER
U.S. Northern District of California

